

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

YETI COOLERS, LLC,

Plaintiff,

v.

DMITRIY GOROSHIN, *d/b/a*
Yeti Touch, and RONGO, INC.,
d/b/a Yeti Touch,

Defendants.

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1:18-CV-630-RP

ORDER

Before the Court are Plaintiff YETI Coolers, LLC's ("Yeti") Notice of Dismissal regarding Defendant Dmitriy Goroshin, d/b/a YETI Touch ("Goroshin"), (Dkt. 8), and Stipulation of Dismissal regarding Defendant Rongo, Inc., d/b/a YETI Touch ("Rongo"), (Dkt. 9).

First, Yeti voluntarily dismisses this action against Goroshin, without prejudice. (Dkt. 8). A plaintiff may voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. Fed. R. Civ. P.

41(a)(1)(A)(i). Yeti has not served an answer or a motion for summary judgment. Yeti's notice is therefore "self-effectuating and terminates the case in and of itself; no order or other action of the district court is required." *In re Amerijet Int'l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), as revised (May 15, 2015). Yeti's action against Goroshin is therefore dismissed without prejudice.

Second, Yeti and Rongo stipulate to dismissal of all claims, with prejudice. (Dkt. 9). Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows a plaintiff to dismiss an action upon filing a stipulation of dismissal signed by all parties who have appeared. The parties have done so. "Stipulated dismissals under Rule 41(a)(1)(A)(ii) . . . require no judicial action or approval and are effective

automatically upon filing.” *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). Yeti’s claims against Rongo are therefore dismissed with prejudice.

The Court therefore **ORDERS** that the Clerk of Court **CLOSE** this action.

SIGNED on November 1, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE